

U.S. Application Serial No. 09/599,355

REMARKS

The present response is responsive to the Official Action dated August 5, 2005, wherein the Examiner rejects pending claims 1-20. More specifically, claim 1 has been rejected as being unpatentable over Paivike et al., US Patent No. 6,396,827, in view of Savuoja, US Patent No. 6,577,619, and further in view of Mustajarvi, US Patent No. 6,356,759; and claims 2-20, have been rejected as being unpatentable over Forssell et al., US Patent No. 6,671,511, in view of one or more of Savuoja, '619, and Wang et al., 6,606,311, and an assertion of Official Notice. The present response introduces amendments into claims 1, 2, 7, 8 and 15, at least in part, in an attempt to make the same more clear. As presently amended, the various combinations of references relied upon by the Examiner, fail to make known each and every feature of the claims. Furthermore, it is not clear that one skilled in the art would have been motivated to combine the disparate features in the respective references corresponding context, as suggested by the Examiner, so as to make known the claims of the present invention.

More specifically, contrary to the assertions of the Examiner, the various combinations of references minimally fails to make known or obvious an uplink state flag, which is at least initially used to identify the general availability of a channel, without being specific to a particular station. This is contrary to Savuoja, '619, which indicates that a USF field comprises data that indicates which terminal is allowed to transmit in the uplink direction (col. 4, lines 3-5). Furthermore, with regard to Mustajarvi, '759, even though at least one USF identifier in at least one instance is identified as being unallocated to any mobile station (col. 4, lines 24-26), without a separate authorization, the mobile station is not allowed to use the reserved block for transmission (col. 4, lines 31-33). Consequently, neither reference teaches or suggests an uplink state flag, which is used to identify an availability of a channel, which is not specific to a particular station.

Furthermore, because the USF field, is identified in at least some of the cited references as generally identifying a particular station, which is authorized to subsequently access a particular channel, it is not clear that such a teaching could be consistent with a value which identifies general availability, or more specifically that such a general availability could take the form of a zero value. Consequently, the applicants traverse the Examiner's attempt to take Official Notice, and require that the Examiner provide specific support for such an assertion that is minimally consistent with the teachings of the other references in the asserted combination, such that taken

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together, the combined teachings could be said to make known or obvious the particular claims (i.e. claims 11 and 18). It is inappropriate to generally allege disparate teachings without some teaching or suggestion to combine, in a context consistent with the claims, which finds a basis or motivation in a prior teaching.

The applicants would contend that as presently pending the claims are not taught or suggested by the current combination of references from which the Examiner currently relies, and therefore withdrawal of the current rejections would appear to be appropriate. In view of the above referenced analysis, and the present amendments, the applicants would request that the Examiner reexamine and reconsider the claims of the present application. Should any issues remain unresolved after the consideration of the present response, the Examiner is requested to contact the applicants' representative at the number listed below to discuss the same.

Respectfully submitted,

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